UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD, Plaintiff, v.

TIMOTHY CALLAHAN, FRANCIS M. ROACHE, PAUL MURPHY, RICHARD WALSH, AND THE CITY OF BOSTON, Defendants.

C.A. NO. 04-11193NG

NOTICE OF TAKING CONTINUED DEPOSITION

To:

John P. Roache, Esq. Patrick J. Donnelly, Esq. Hogan, Roache & Malone 66 Long Wharf Boston, MA 02110 William White, Esq. Davis, Robinson & White, LLP One Faneuil Hall Marketplace South Market Building Boston, MA 02109

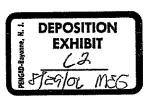
Michael W. Reilly, Esq. Tommassino & Tommassino Two Center Plaza Boston, MA 02108-1904

MaryJo Harris, Esq. Morgan, Brown & Joy 200 State Street, 11th Floor Boston, MA 02109

Susan Weise, Esq. Assistant Corporate Counsel City Rights Div/Law Department City Hall, Room 615 Boston, MA 02201

Rosemary Curran Scapicchio, Esq. Four Longfellow Place, Suite 3703 Boston, MA 02114

Please take notice that at 10:00 A.M. on Tuesday, August 29, 2006, at the law offices of Bonner Kiernan Trebach & Crociata, LLP, One Liberty Square, 6th Floor, Boston, Massachusetts, the defendant, Richard Walsh, through his attorney, will take the deposition upon oral examination of Olisa Graham, pursuant to the applicable provisions of the Federal



Rules of Civil Procedure, before a Notary Public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths.

The deponent is further required to bring the documents listed in the attached Schedule "A."

The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

Dated: August <u>H</u>, 2006

RICHARD WALSH,

By His Attorneys,

Hugh R. Curran, Esq (BBO #402057) Bonner Kiernan Trebach & Crociata, LLP

One Liberty Square - 6th Floor

Boston, MA 02109 (617) 426-3900

CERTIFICATE OF SERVICE

I, Hugh R. Curran, hereby certify that a true copy of the within *Notice of Taking Deposition* was served upon all counsel of record for each other party via first-class mail, on August /4, 2006.

Hugh R/Curran

INSTRUCTIONS

The term "document(s)" in the requests below shall include every writing of any nature, in the possession and/or control of the deponent, including every manner of letter. memorandum, note, log book, notebook, contract, agreement, lease, study, report, record, notice, minutes of meetings, program, opinion, work pad, diary, legal opinion, message, telegram, advertisement, brochure, computer print-out, computer data bank or base, computer program, invoice, billing, list, correspondence, appraisal, or other item whether written in manuscript, typewritten, printed, electronic, magnetic, or other form of recordation of any kind, and including all copies thereof bearing any writing, figures, or notation not appearing in the original.

- 1. Any and all correspondence between Olisa Graham and Shawn Drumgold and/or representatives of Shawn Drumgold.
- 2. Any and all correspondence between Olisa Graham and any witness in the original and/or current case.
- 3. Any and all correspondence between Olisa Graham and any media outlet regarding Shawn Drumgold.

One Liberty Square Boston, MA 02109 Telephone: (617) 426-3900 Facsimile: (617) 426-0380 bktc@bktc.net www.bktc.net BONNER KIERNAN TREBACH & CROCIATA, LLP Connecticut
Maryland
Massachusetts
New Jersey
New York
Pennsylvania
Rhode Island
Virginia
Washington, DC

August 14, 2006

Olisa Graham 4412 Washington Street #2 Roslindale, MA 02131

Re:

Shawn Drumgold v. City of Boston, et al.

Our File: 0737/0001

Dear Ms. Graham:

Enclosed please find a *Deposition Subpoena*, which requires you to come to the law office of Bonner Kiernan Trebach & Crociata, LLP, One Liberty Square, 6th Floor, Boston, Massachusetts, for the purpose of testifying to your knowledge in the above-referenced matter. Your deposition is scheduled for **Tuesday**, **August 29**, **2006** at **10:00 A.M.**

Please contact me at (800) 840-5087 upon receipt of this correspondence. Thank you for your cooperation in this matter.

Jose Gurgel

Paralegal to Hugh R. Curran

Enclosures

% 4 ORE (Rev. 1/94) Subposes in a Civil Cest		
	Issued by the	
UNITED STA	TES DISTRICT COUR	f T
•	DISTRICT OF	
MASSA SHAWN DKUMGOLD V.	achusetts Subpoena in	A CIVIL CASE
TIMOTHY CALLAHAN, FRANCIS M. ROACHE, PAUL MURPHY, RICHARD WALSH AND THE CITY OF BOSTON	Case Number.1	04-11193NG
TO: OLISA GRAHAM 4412 Washington Street, #2 Roslindale, MA 02131	•	
YOU ARE COMMANDED to appear in the Untestify in the above case.	nited States District court at the place	date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
		DATE AND TIME
M YOU ARE COMMANDED to appear at the pla in the above case.	see, date, and time specified below to	testify at the taking of a deposition
BUNNER, KIRKNAN, TREBACH & CROCIATA, ONE LIBERTY SQUARE 6TH FLOOR, BOSTON		DATE AND TIME 8-29-06 10:00 A.M.
YOU ARE COMMANDED to produce and per place, date, and time specified below (list doct		lowing documents or objects at the
PLACE		DATE AND TIME
☐ YOU ARE COMMANDED to permit inspect	ion of the following premises at the o	late and time specified below.
PREMISES		DATE AND TIME
Any organization not a party to this suit that is subp directors, or managing agents, or other persons who co- the matters on which the person will testify. Federal R.	nsent to testify on its behalf, and may se	
HUGH R. CURRAN/ATTORNEY FOR DEFENDATISHING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	R	8.14.06
HUGH R. CURRAN, ESQ./BONNER, KIERNAN ONE LIBERTY SQUARE 6TH FLOOR, BOSTON	MA 02109 (617) 426-3900	•
(See Rule 45, Federa	l Ruics of Civil Procedum, Parts C & D on next page)	

1 If action is pending in district other than district of issuance, state district under case number.



AO 88 (11/91) Subpouns in a Civil Case

		PROOF OF SERVICE
SERVED	08/21/06	PLACE OLISA GRAHAM 4412 WASHINGTON STREET #2 ROSLINDALE, MA
served on print name SHAY-LA JA	MES (COUSIN)	MANNER OF SERVICE In-Hand
SERVED BY (PRINT NAME)		TITLE
John Roberto		Process Server & Disinterested Person "
*		DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing Information contained in the Proof of Service is true and correct.

08/21/06 Executed on

SIGNATURE OF SERVER John Roberto

Process Server & Disinterested Person .

ADDRESS OF SERVER

92 State Street, 7th Floor Boston, Massachusetts 02109

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoens shall take reasonable steps to avoid imposing undue bur-den or expense on a person subject to that subpoens. The court on behalf of which the subpoens was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanc-tion, which may include, but is not limited to, lost earnings and a reasonable attorney's fee,

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hear-

ing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compilance it such time is less than 14 days after service, serve upon the party or attempt designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises, if objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded. cant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) falls to allow reasonable time for compliance; (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(III) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

any party, or (III) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the

INSTRUCTIONS

The term "document(s)" in the requests below shall include every writing of any nature, in the possession and/or control of the deponent, including every manner of letter, memorandum, note, log book, notebook, contract, agreement, lease, study, report, record, notice, minutes of meetings, program, opinion, work pad, diary, legal opinion, message, telegram, advertisement, brochure, computer print-out, computer data bank or base, computer program, invoice, billing, list, correspondence, appraisal, or other item whether written in manuscript, typewritten, printed, electronic, magnetic, or other form of recordation of any kind, and including all copies thereof bearing any writing, figures, or notation not appearing in the original.

- 1. Any and all correspondence between Olisa Graham and Shawn Drumgold and/or representatives of Shawn Drumgold.
- 2. Any and all correspondence between Olisa Graham and any witness in the original and/or current case.
- 3. Any and all correspondence between Olisa Graham and any media outlet regarding Shawn Drumgold.

One Liberty Square Boston, MA 02109 Telephone: (617) 426-3900 Facsimile: (617) 426-0380 bktc@bktc.net www.bktc.net BONNER KIERNAN TREBACH ひ CROCIATA,

Connecticut
Maryland
Massachusetts
New Jersey
New York
Pennsylvania
Rhode Island
Virginia
Washington, DC

June 6, 2006

Vantrell McPherson 105 Taffrail Road #1 Quincy, MA 02169

Re:

Shawn Drumgold v. City of Boston, et al.

Our File: 0737/0001

Dear Ms. McPherson:

Enclosed please find a Deposition Subpoena, which requires you to come to the law office of Bonner Kiernan Trebach & Crociata, LLP, One Liberty Square, Boston, Massachusetts, for the purpose of further testifying to your knowledge in the above-referenced matter. Your continued deposition is scheduled for Thursday, June 29, 2006 at 2:00 p.m.

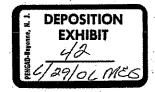
Thank you for your cooperation in this matter.

Very truly yours,

Kate Rubchinuk

Paralegal to Hugh R. Curran

Enclosures



Issued by the

UNITED STATE	S DISTRICT COUR	T
DIS	TRICT OF	
MASSACHU; SHAWN DRUMGOLD V.	SETTS SUBPOENA IN	A CIVIL CASE
TIMOTHY CALLAHAN, FRANCIS M. ROACHE, PAUL MURPHY, RICHARD WALSH AND THE CITY OF BOSTON	Case Number:¹	04-11193NG
TO: VANTRELL MCPHERSON 105 TAFFRAIL ROAD #1 QUINCY, MA 02169		
YOU ARE COMMANDED to appear in the United ! testify in the above case.	States District court at the place	, date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
		DATE AND TIME
YOU ARE COMMANDED to appear at the place, do in the above case.	ate, and time specified below to	testify at the taking of a deposition
BUNNER, KIERNAN, TREBACH & CROCIATA, LL ONE LIBERTY SQUARE 6TH FLOOR, BOSTON MA	02109	DATE AND TIME JUNE 8, 2006 3:00 P.M.
☐ YOU ARE COMMANDED to produce and permit in place, date, and time specified below (list document	nspection and copying of the to its or objects):	llowing documents or objects at the
PLACE		DATE AND TIME
☐ YOU ARE COMMANDED to permit inspection or	f the following premises at the	date and time specified below.
PREMISES		DATE AND TIME
Any organization not a party to this suit that is subpoena directors, or managing agents, or other persons who consent the matters on which the person will testify. Federal Rules of	to testify on its behalf, and may a	hall designate one or more officers, et forth, for each person designated,
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTO WWW. HUGH R. CURRAN/ATTORNEY FOR DEFENDANT	•	NI) DATE 5306
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER HUGH R. CURRAN, ESQ./BONNER, KIERNAN, TONE LIBERTY SQUARE 6TH FLOOR, BOSTON MA		
(See Rule 45, Federal Rules	of Civil Procedure, Parts C & D on next page)	

INSTRUCTIONS

The term "document(s)" in the requests below shall include every writing of any nature, including every manner of letter, memorandum, note, log book, notebook, contract, agreement, lease, study, report, record, notice, minutes of meetings, program, opinion, work pad, diary, legal opinion, message, telegram, advertisement, brochure, computer print-out, computer data bank or base, computer program, invoice, billing, list, correspondence, appraisal, or other item whether written in manuscript, typewritten, printed, electronic, magnetic, or other form of recordation of any kind, and including all copies thereof bearing any writing, figures, or notation not appearing in the original.

- 1. Any and all correspondence between Vantrell McPherson and Shawn Drumgold and/or representatives of Shawn Drumgold.
 - 2. Any and all correspondence between Vantrell McPherson and any witness in the original and/or current case.
 - 3. Any and all correspondence between Vantrell McPherson and any media outlet regarding Shawn Drumgold.

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD, PLAINTIFF, C.A. NO. 04-11193NG

TIMOTHY CALLAHAN, FRANCIS M. ROACHE, PAUL MURPHY, RICHARD WALSH, AND THE CITY OF BOSTON, DEFENDANTS.

RE-NOTICE OF TAKING CONTINUED DEPOSITION

TO: John P. Roache, Esq. Hogan, Roache & Malone 66 Long Wharf Boston, MA 02110

> Michael W. Reilly, Esq. Tommassino & Tommassino Two Center Plaza Boston, MA 02108-1904

William White, Esq.
Davis, Robinson & White, LLP
One Faneuil Hall Marketplace
South Market Building
Boston, MA 02109

MaryJo Harris, Esq. Morgan, Brown & Joy 200 State Street, 11th Floor Boston, MA 02109

Rosemary Curran Scapicchio, Esq. Four Longfellow Place, Suite 3703 Boston, MA 02114

Please take notice that at 2:00 P.M. on Thursday, June 29, 2006, at the law offices of Bonner Kiernan Trebach & Crociata, LLP, One Liberty Square, Boston, Massachusetts, the defendant, Richard Walsh, through his attorney, will take the deposition upon oral examination of Vantrell McPherson, pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before a Notary Public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths.

DEPOSITION EXHIBIT The deponent is further required to bring the documents listed in the attached Schedule "A."

The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

RICHARD WALSH,

By His Attorney,

Hugh R. Curran (BBO #552623)

BONNER KIERNAN TREBACH &

CROCIATA, LLP

One Liberty Square - 6th Floor

Boston, MA 02109

(617) 426-3900

DATED: June 6, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the within document was served upon the attorney of record for each other party by mail, on June 6, 2006.

Hugh R. Curran

Case 1:04-cv-11193-NG

INSTRUCTIONS

The term "document(s)" in the requests below shall include every writing of any nature, including every manner of letter, memorandum, note, log book, notebook, contract, agreement, lease, study, report, record, notice, minutes of meetings, program, opinion, work pad, diary, legal opinion, message, telegram, advertisement, brochure, computer print-out, computer data bank or base, computer program, invoice, billing, list, correspondence, appraisal, or other item whether written in manuscript, typewritten, printed, electronic, magnetic, or other form of recordation of any kind, and including all copies thereof bearing any writing, figures, or notation not appearing in the original.

- Any and all correspondence between Vantrell McPherson and Shawn Drumgold and/or representatives of Shawn Drumgold.
- 2. Any and all correspondence between Vantrell McPherson and any witness in the original and/or current case.
- 3. Any and all correspondence between Vantrell McPherson and any media outlet regarding Shawn Drumgold.

%, AORS (Rev.)/94) Subpoene in a Civil Case		
Iss	sued by the	
United Stat	ES DISTRICT COURT	
D	ISTRICT OF	
SHAWN DRUMGOLD MASSACE	HUSETTS SUBPOENA IN A	CIVIL CASE
V. TIMOTHY CALLAHAN, FRANCIS M. ROACHE, PAUL MURPHY, RICHARD WALSH AND THE CITY OF BOSTON	Case Number:1	04-11193NG
TO: MICHELLE PAYNE SHORT 38 LITCHFIELD TERRACE BROCKTON, MA		
YOU ARE COMMANDED to appear in the Unite testify in the above case.	ed States District court at the place, d	ate, and time specified below to
FLACE OF TESTIMONY		COURTROOM
·		DATE AND TIME
YOU ARE COMMANDED to appear at the place in the above case.	, date, and time specified below to ter	stify at the taking of a deposition
BUNNER, KLERNAN, TREBACH & CROCIATA, 1	· · ·	DATE AND TIME
ONE LIBERTY SQUARE 6TH FLOOR, BOSTON I		09/11/2006 at 10:00 AM
YOU ARE COMMANDED to produce and permiplace, date, and time specified below (list docum		wing documents or objects at the
PLACE		DATE AND TIME
☐ YOU ARE COMMANDED to permit inspection	of the following premises at the dat	te and time specified below.
PREMISES		DATE AND TIME
Any organization not a party to this suit that is subpose directors, or managing agents, or other persons who conse the matters on which the person will testify. Federal Rule	ent to testify on its behalf, and may set f	designate one or more officers, orth, for each person designated,
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF AT	TORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
HUGH R. CURRAN/ATTORNEY FOR DEFENDANT ISSUING OFFICER'S NAME ADDRESS AND PHONE NUMBER HUGH R. CURRAN, ESQ./BONNER, KIERNAN, ONE LIBERTY SQUARE 6TH FLOOR, BOSTON M	TREBACH & CROCIATA, LLP	08/2 8 /2006
	ales of Civil Procedure, Parts C & D on next page)	
) If action is pending in district other than district of issuance, state distri	ict under case number.	PEROCITION

		PROO	FOFS	ERVICE
SERVED	O9/05/06	PLA	CE · //. 3	MICHELLE PAYNE SHORT B LITCHFIELD TERRACE ROCKTON, MA
SERVED ON (PRINT NAME	,			MANNER OF SERVICE
				Last Usual
SERVED BY (PRINT NAME				TITLE
Thomas C. 1	Hyslop			Process Server & Disinterested Person
		DECLARA	TION C	DF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

MADE NUMEROUS ATTEMPTS TO SERVE IN-HAND BEFORE LEAVING LAST & USUAL ON 9/5/06. ALSO MAILED, VIA 1ST CLASS, COPY OF SUBPOENA TO MS. GRAHAM. SIGNATURE OF SERVER
Thomas C. Hyslop

Process Server & Disinterested Person

ADDRESS OF SERVER

92 State Street, 7th Floor Boston, Massachusetts 02109

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena If it

(i) falls to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or (iii) requires disclosure of privileged or other protected mat-

ter and no exception or waiver applies, or (iv) subjects a person to undue burden.

(B) If a subpoena

 (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

INSTRUCTIONS

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- 1. Any and all correspondence between Michelle Payne Short and Shawn Drumgold and/or representatives of Shawn Drumgold.
- 2. Any and all correspondence between Michelle Payne Short and any witness in the original and/or current case.
- 3. Any and all correspondence between Michelle Payne Short and any media outlet regarding Shawn Drumgold.

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD, Plaintiff,)))
v.	C.A. NO. 04-11193NG
TIMOTHY CALLAHAN, FRANCIS M. ROACHE, PAUL MURPHY, RICHARD WALSH, AND THE CITY OF BOSTON, Defendants.)))

NOTICE OF TAKING DEPOSITION

To:

John P. Roache, Esq. Patrick J. Donnelly, Esq. Hogan, Roache & Malone 66 Long Wharf

Boston, MA 02110

William White, Esq. Davis, Robinson & White, LLP One Faneuil Hall Marketplace South Market Building Boston, MA 02109

Michael W. Reilly, Esq. Tommassino & Tommassino Two Center Plaza Boston, MA 02108-1904

MaryJo Harris, Esq. Morgan, Brown & Joy 200 State Street, 11th Floor Boston, MA 02109

Susan Weise, Esq. Assistant Corporate Counsel City Rights Div/Law Department City Hall, Room 615 Boston, MA 02201

Rosemary Curran Scapicchio, Esq. Four Longfellow Place, Suite 3703 Boston, MA 02114

Please take notice that at 10:00 A.M. on Monday, September 11, 2006, at the law offices of Bonner Kiernan Trebach & Crociata, LLP, One Liberty Square, 6th Floor, Boston, Massachusetts, the defendant, Richard Walsh, through his attorney, will take the deposition upon oral examination of Michelle Payne, a.k.a. Michelle Payne Short, pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before a Notary Public in

and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths.

The deponent is further required to bring the documents listed in the attached Schedule "A."

The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

RICHARD WALSH,

By His Attorneys,

Dated: August 28, 2006

Hugh R. Curran, Esq (BBO #402057)

Bonner Kiernan Trebach & Crociata, LLP

One Liberty Square - 6th Floor

Auch L lunan

Boston, MA 02109

(617) 426-3900

CERTIFICATE OF SERVICE

I, Hugh R. Curran, hereby certify that a true copy of the within *Notice of Taking Deposition* was served upon all counsel of record for each other party via first-class mail, on August 28, 2006.

Hugh R. Curran

% AOSS (Rev. 1/94) Supposue in a Civil Case		
Issued by the		
UNITED STATES DISTRI	CT COUR	Γ
DISTRICT OF		
MASSACHUSETTS		
	UBPOENA IN	A CIVIL CASE
V.		
TIMOTHY CALLAHAN, FRANCIS M. ROACHE, PAUL MURPHY, RICHARD WALSH AND THE CITY OF BOSTON	ase Number:1	04-11193NG
TO: EDRINA GRAHAM 110 EDGEMERE ROAD, UNIT 10 WEST ROXBURY, MA		
YOU ARE COMMANDED to appear in the United States District of testify in the above case.	court at the place,	date, and time specified below to
FLACE OF TESTIMONY		COURTROOM
	•	DATE AND TIME
YOU ARE COMMANDED to appear at the place, date, and time spin the above case.	ecified below to	testify at the taking of a deposition
BONNER, KIERNAN, TREBACH & CROCIATA, LLP	•	DATE AND TIME
ONE LIBERTY SQUARE 6TH FLOOR, BOSTON MA 02109		09/11/2006 at 1:00 PM
☐ YOU ARE COMMANDED to produce and permit inspection and of place, date, and time specified below (list documents or objects):	opying of the foll	lowing documents or objects at the
		- 100 miles (100 miles
)
PLACE .		DATE AND TIME
☐ YOU ARE COMMANDED to permit inspection of the following	premises at the c	late and time specified below.
PREMISES	ē	DATE AND TIME
Any organization not a party to this suit that is subpoensed for the taking directors, or managing agents, or other persons who consent to testify on its the matters on which the person will testify. Federal Rules of Civil Procedure.	behalf, and may se	all designate one or more officers, t forth, for each person designated,
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAIN	TIFF OR DEFENDAN	DATE
HUGH R. CURRAN/ATTORNEY FOR DEFENDANT RICHARD WAT	· CTI	08/2 8 /2006
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER HUGH R. CURRAN, ESQ./BONNER, KIERNAN, TREBACH & CI		

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

ONE LIBERTY SQUARE 6TH FLOOR, BOSTON MA 02109 (617) 426-3900



Haction is pending in district other than district of issuance, state district under case number.

		PROOF OF SERVICE
SERVED	DATE	PLACE EDRINA GRAHAM 110 EDGEMERE ROAD, UNIT 10 WEST ROXBURY, MA
SERVED ON (PRINT NAME)		MANNER OF SERVICE
		Last Usual
SERVED BY (PRINT NAME)		TITLE
John Roberto		Process Server & Disinterested Person "
		DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

ALSO MAILED, VIA 1ST CLASS, COPY OF SUBPOENA TO MS. GRAHAM. SIGNATURE OF SERVER

John Roberto

Process Server & Disinterested Person

ADDRESS OF SERVER

92 State Street, 7th Floor Boston, Massachusetts 02109

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(8) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) falls to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

 requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENAL

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When Information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

INSTRUCTIONS

The term "document(s)" in the requests below shall include every writing of any nature, in the possession and/or control of the deponent, including every manner of letter, memorandum, note, log book, notebook, contract, agreement, lease, study, report, record, notice, minutes of meetings, program, opinion, work pad, diary, legal opinion, message, telegram, advertisement, brochure, computer print-out, computer data bank or base, computer program, invoice, billing, list, correspondence, appraisal, or other item whether written in manuscript, typewritten, printed, electronic, magnetic, or other form of recordation of any kind, and including all copies thereof bearing any writing, figures, or notation not appearing in the original.

- 1. Any and all correspondence between Adrina Graham (Payne) and Shawn Drumgold and/or representatives of Shawn Drumgold.
- 2. Any and all correspondence between Adrina Graham (Payne) and any witness in the original and/or current case.
- 3. Any and all correspondence between Adrina Graham (Payne) and any media outlet regarding Shawn Drumgold.

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD, Plaintiff,

v.

C.A. NO. 04-11193NG

TIMOTHY CALLAHAN, FRANCIS M. ROACHE, PAUL MURPHY, RICHARD WALSH, AND THE CITY OF BOSTON, Defendants.

NOTICE OF TAKING DEPOSITION

To:

John P. Roache, Esq. Patrick J. Donnelly, Esq. Hogan, Roache & Malone 66 Long Wharf Boston, MA 02110 MaryJo Harris, Esq. Morgan, Brown & Joy 200 State Street, 11th Floor Boston, MA 02109

William White, Esq.
Davis, Robinson & White, LLP
One Faneuil Hall Marketplace
South Market Building
Boston, MA 02109

Susan Weise, Esq. Assistant Corporate Counsel City Rights Div/Law Department City Hall, Room 615 Boston, MA 02201

Michael W. Reilly, Esq. Tommassino & Tommassino Two Center Plaza Boston, MA 02108-1904 Rosemary Curran Scapicchio, Esq. Four Longfellow Place, Suite 3703 Boston, MA 02114

Please take notice that at 1:00 P.M. on Wednesday, September 11, 2006, at the law offices of Bonner Kiernan Trebach & Crociata, LLP, One Liberty Square, 6th Floor, Boston, Massachusetts, the defendant, Richard Walsh, through his attorney, will take the deposition upon oral examination of Adrina Graham, a.k.a. Adrina Payne, pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before a Notary Public in and

for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths.

The deponent is further required to bring the documents listed in the attached Schedule "A."

The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

RICHARD WALSH,

By His Attorneys,

Dated: August 28, 2006

Hugh R. Curran, Esq (BBO #402057)

Bonner Kiernan Trebach & Crociata, LLP

One Liberty Square - 6th Floor

Boston, MA 02109

(617) 426-3900

CERTIFICATE OF SERVICE

I, Hugh R. Curran, hereby certify that a true copy of the within *Notice of Taking Deposition* was served upon all counsel of record for each other party via first-class mail, on August 28, 2006.

Hugh R. Curran

o AORE (Rev. 1/94) Subpoens in a Civil Case	ned by the
	ES DISTRICT COURT
	STRICT OF
MASSACHU	ISETTS
SHAWN DRUMGOLD	SUBPOENA IN A CIVIL CASE
v. .	•
TIMOTHY CALLAHAN, FRANCIS M. ROACHE, PAUL MURPHY, RICHARD WALSH AND THE CITY OF BOSTON	Case Number: 04-11193NG
TO: TYNETTA GRAY 52 Blue Hill Avenue, Apt. 2 Roxbury, MA 02119	
YOU ARE COMMANDED to appear in the United testify in the above case.	d States District court at the place, date, and time specified below to
PLACE OF TESTIMONY	COURTROOM
The state of the s	DATE AND TIME
, ·	
YOU ARE COMMANDED to appear at the place, in the above case.	date, and time specified below to testify at the taking of a deposition
BUACE OF DEPOSITION, TREBACH & CROCIATA, L	rx 02100
TO VOTI ARE COMMANDED to produce and permit	t inspection and copying of the following documents of objects at the
place, date, and time specified below (list docume	ents or objects):
PLACE	DATE AND TIME
	of the following premises at the date and time specified below.
☐ YOU ARE COMMANDED to permit inspection	DATE AND TIME
PREMISES	
Any organization not a party to this suit that is subpose directors, or managing agents, or other persons who conse the matters on which the person will testify. Federal Rule	enaed for the taking of a deposition shall designate one or more officers, ent to testify on its behalf, and may set forth, for each person designated, es of Civil Procedure, 30(b)(6).
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF AT	7/19/06
HUGH R. CURRAN/ATTORNEY FOR DEFENDANT ISSUENCE OFFICER'S NAME, ADDRESS AND PHONE NUMBER HUGH R. CURRAN, ESQ./BONNER, KIERNAN, ONE LIBERTY SQUARE 6TH FLOOR, BOSTON I	TREBACH & CROCIATA, LLP
- •	nies of Civil Procedure, Parts C & D.on next page)
	rict under case number.

Haction is pending in district other

AO 88 (11/91) Subpoena i	in a Civil Case		•
			•
		•	
· · · · · · · · · · · · · · · · · · ·		PROOF OF S	SERVICE
	DATE	PLACE	
			TYNETTA GRAY
055145	08/25/06		22 BLUE HILL AVENUE, APT. 2
SERVED	00,25,00	. 1	ROXBURY, MA
SERVED ON (PRINT NAME)			MANNER OF SERVICE
JEFFREY G	REEN (ROOMMATE)		In-Hand
SERVED BY (PRINT NAME)			TILE
T 2 World			Process Server & Disinterested Person
John Robert	0		1 100522 Del hel & Distiller enten 1 el 2011
	-	DECLARATION	Or ornura
`		DECLARATION	Ur Server
			nited States of America that the foregoing information con
tained in the Proof	f of Service is true and con	rect.	$\Omega // \Omega \alpha$
Executed on	08/25/06		John to lute
•	DATE		SIGNATURE OF SERVER. John Roberto
•			
	•		Process Server & Disinterested Person
	4		ADDRESS OF SERVER
			92 State Street, 7th Floor

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(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

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(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

Boston, Massachusetts 02109

(B) If a subpoena

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INSTRUCTIONS

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- 1.—Any and all correspondence between Tynetta Gray and Shawn Drumgold-and/or-representatives of Shawn Drumgold.
- 2. Any and all correspondence between Tynetta Gray and any witness in the original and/or current case.
- 3. Any and all correspondence between Tynetta Gray and any media outlet regarding Shawn Drumgold.

<u>MEMORANDUM</u>

FROM:

J.GURGEL

TO:

HRC, FILE

DATE:

SEPTEMBER 19 and 20, 2006

CASE:

DRUMGOLD vs. CALLAHAN, ET AL

0737/0001

RE:

TELEPHONE CONFERENCE WITH MS. TYNETTA GRAY

REGARDING DEPOSITION

On September 19, 2006 I telephoned Ms. Tynetta Gray, at (617) 989 0508, in an attempt to make contact with her and confirm her appearance at her deposition, scheduled for September 20, 2006, pursuant to a subpoena served on August 25, 2006. I called Ms. Gray twice on September 19, 2006, and left two voice messages identifying myself and requesting that she call me back confirming her appearance at her deposition.

On September 20, 2006, around 9:50 AM, I telephoned Ms. Tynetta Gray again in an attempt to make contact with her and confirm her appearance at her deposition. This time Ms. Gray answered the phone and I identified myself as a paralegal working for Attorney Hugh R. Curran, and told her I wanted to confirm she would be coming in for her deposition, scheduled for today, September 20, 2006, at our office. Ms. Gray then interrupted me and asked "how the hell did you get my phone number?" I answered that I obtained her number "from information" and she hung up on me.

I called Ms. Gray one more time, immediately after she hung up on me, and identified myself again when she answered the phone. Ms. Gray then proceeded to scream "who the fuck are you calling me at my home? I don't give a fuck about Drumgold or what happened 30 years ago!" At this time I reminded Ms. Gray that she was under a subpoena and that she was required to appear at the deposition. She replied "What the fuck are you talking about? I don't have no subpoena! You can call the fucking police, the fucking feds if you want, but I am not going to no deposition!" At this time, Ms. Gray hung up the phone again.

September 20, 2006

Jose Gurgel

Paralegal to Hugh R. Curran, Esq.

Bonner Klernan Trebach & Crociata, LLP

One Liberty Square, 6th Floor

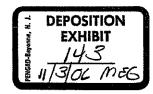
Roston, MA 02109



p., 4.775	on (Des	1 /041	Subposne	in a	Civil	Case

Issued by the UNITED STATES DISTRICT COURT

DISTRICT	OF	·
MASSACHUSETTS WWW DRUMGOLD	SUBPOENA IN	A CIVIL CASE
V. MOTHY CALLAHAN, FRANCIS M. ROACHE, DL MURPHY, RICHARD WALSH AND C CITY OF BOSTON	Case Number. ¹	04-11193NG
EXATHY JAMISON 44 REGENT STREET, Apt 7 ROXDURY, MA YOU ARE COMMANDED to appear in the United States Ditestify in the above case.	strict court at the place,	date, and time specified below to
ACE OF TESTIMONY		DATE AND TIME
YOU ARE COMMANDED to appear at the place, date, and t	ime specified below to	testify at the taking of a deposition
in the above case.		DATE AND TIME
CE OF DEPOSITION NER, KLERNAN, TREBACH & CROCIATA, LLP	and copying of the fol	Nov. 3, 2006 @10A
NER, KIERNAN, TREBACH & CROCIATA, LLP LIBERTY SQUARE 6TH FLOOR, BOSTON MA 02109 YOU ARE COMMANDED to produce and permit inspection place, date, and time specified below (list documents or objection)	n and copying of the fol ects):	Nov. 3, 2006 @ 10 A lowing documents or objects at the
ACE OF DEPOSITION, TREBACH & CROCIATA, LLP NER, KIERNAN, TREBACH & CROCIATA, LLP LIBERTY SQUARE 6TH FLOOR, BOSTON MA 02109 YOU ARE COMMANDED to produce and permit inspection place, date, and time specified below (list documents or objection)	n and copying of the fol ects):	Nou. 3, 2006 @/O.A. lowing documents or objects at the
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ACE OF DEPOSITION NNER, KIERNAN, TREBACH & CROCIATA, LLP E LIBERTY SQUARE 6TH FLOOR, BOSTON MA 02109 YOU ARE COMMANDED to produce and permit inspection place, date, and time specified below (list documents or objected) ACE YOU ARE COMMANDED to permit inspection of the following the commander of the commander	n and copying of the follects): owing premises at the continuous premises	DATE AND TIME DATE AND TIME DATE AND TIME DATE AND TIME all designate one or more officers, at forth, for each person designated, T) DATE 9-22-06



ORR (Rev. 1/94) Sphnoens in a Civil Case	
PROOF OF S	ERVICE # 1. () 1
DATE Octo. 10, 2006	TAGE AT RESENT D- # / i Kox bury, MA
SERVED KONTHY DOMISON @ 900 AM	MANNER OF SERVICE
SERVED ON (PRINT NAME)	
Korbhy Pamisen	Persoval (In Hard)
SERVED BY (PRBY NAME)	TITLE
John E. Gamel	
DECLARATION	TOF SERVER
I declare under penalty of perjury under the laws of the Unite in the Proof of Service is true and correct.	ed States of America that the foregoing information contained
Executed on Oct. 18, 2006	SIGNATURE OF SERVER 1501 BEACON S.
	ADDRESS OF SERVER BROOKCHINE, MA DOLLAG
Rule 45, Federal Rules of Civil Procedure, Parts C & D:	

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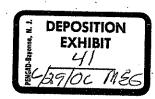
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	Issued by the	
· United S	STATES DISTRICT COUR	T
	DISTRICT OF	
	ASSACHUSETTS	
HAWN DRUMGOLD SUBPOENA IN A CIVIL CASE		
V. TIMOTHY CALLAHAN, FRANCIS M. ROA	СНЕ.	
PAUL MURPHY, RICHARD WALSH AND THE CITY OF BOSTON	Case Number:1	04-11193NG
TO: KATHY JAMISON 44 REGENT STREET APT 7		
ROXBURY, MA 02119		·
YOU ARE COMMANDED to appear in the testify in the above case.	he United States District court at the place	e, date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
	•	
•	•	DATE AND TIME
YOU ARE COMMANDED to appear at the in the above case.	ne place, date, and time specified below to	testify at the taking of a deposition
BUNNER, KIERNAN, TREBACH & CROCIA ONE LIBERTY SQUARE 6TH FLOOR, BOS	ATA, LLP STON MA 02109	JUNE 29, 2006 10:00 A.M.
	d permit inspection and copying of the fol	
place, date, and time specified below (list		
place, date, and time specified below (list		
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place, date, and time specified below (list SEE ATTAC PLACE YOU ARE COMMANDED to permit ins	documents or objects): CHED SCHEDULE "A" pection of the following premises at the objection of the following premises at the objection of the taking of a deposition shalo consent to testify on its behalf, and may see	DATE AND TIME late and time specified below. DATE AND TIME all designate one or more officers

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

Hearting is pending in district other than district of issuance, state district under case number.

ONE LIBERTY SQUARE 6TH FLOOR, BOSTON MA 02109 (617) 426-3900



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AO 88 ((11/91)	Subpoena	ìn i	a Civii	Case
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		PROOF OF	SERVICE	
	DATE	PLAGE	T	
SERVED	06/19/06	KATHY JAMISON 44 REGENT STREET, APT. 7 ROXBURY, MA		
SERVED ON (PRINT NAME)			MANNER OF SERVICE	
ÇHRISTOPH	ER JAMISON (SON)		In-Hand	•
SERVED BY (PRINT NAME)			TITLE	
John Roberto			Process Server & Disinteres	ted Person "
•		DECLARATION	OF SERVER	

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on ______06/19/06

DATE

SIGNATURE OF SERVER

John Roberto

Process Server & Disinterested Person

ADDRESS OF SERVER

92 State Street, 7th Floor Boston, Massachusetts 02109

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son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

 (iii) requires disclosure of privileged or other protected mater and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

 (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

% AOSS (Rev. 1/94) Subposite in a Civil Case

Issued by the UNITED STATES DISTRICT COURT

DISTRICT	`OF	
SHAWN DRUMGOLD MASSACHUSETTS		A CIVIL CASE
V. TIMOTHY CALLAHAN, FRANCIS M. ROACHE, PAUL MURPHY, RICHARD WALSH AND THE CITY OF BOSTON TO: KATHY JAMISON 44 REGENT STREET APT 7 ROXBURY, MA 02119	Case Number:1	04-11193NG
☐ YOU ARE COMMANDED to appear in the United States I testify in the above case.	District court at the place	, date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
		DATE AND TIME
YOU ARE COMMANDED to appear at the place, date, and in the above case.	time specified below to	testify at the taking of a deposition
BONNER, KIERNAN, TREBACH & CROCIATA, LLP ONE LIBERTY SQUARE 6TH FLOOR, BOSTON MA 02109		DATE AND TIME JUNE 29, 2006 10:00 A.M.
YOU ARE COMMANDED to produce and permit inspection place, date, and time specified below (list documents or obj	n and copying of the foll ects):	owing documents or objects at the
SEE ATTACHED SCHEDULE	"A"	
PLACE		DATE AND TIME
☐ YOU ARE COMMANDED to permit inspection of the foll	owing premises at the d	ate and time specified below.
PREMISES	·	DATE AND TIME
Any organization not a party to this suit that is subpoensed for the directors, or managing agents, or other persons who consent to testify the matters on which the person will testify. Federal Rules of Civil Principles of Civ	on its behalf, and may set cocedure, 30(b)(6). PLAINTIFF OR DEFENDANT D WALSH E CROCLATA LIP	forth, for each person designated,
(See Rule 45, Federal Rules of Civil Proce	dine, Parts C & D on next page)	
If action is reguling in district other than district of issuance, class district under some		

INSTRUCTIONS

The term "document(s)" in the requests below shall include every writing of any nature, including every manner of letter, memorandum, note, log book, notebook, contract, agreement, lease, study, report, record, notice, minutes of meetings, program, opinion, work pad, diary, legal opinion, message, telegram, advertisement, brochure, computer print-out, computer data bank or base, computer program, invoice, billing, list, correspondence, appraisal, or other item whether written in manuscript, typewritten, printed, electronic, magnetic, or other form of recordation of any kind, and including all copies thereof bearing any writing, figures, or notation not appearing in the original.

- 1. Any and all correspondence between Kathy Jamison and Shawn Drumgold and/or representatives of Shawn Drumgold.
- 2. Any and all correspondence between Kathy Jamison and any witness in the original and/or current case.
- 3. Any and all correspondence between Kathy Jamison and any media outlet regarding Shawn Drumgold.

	· ·	
		PROOF OF SERVICE
SERVED	DATE	PLACE KATHY JAMISON 44 REGENT STREET, APT. 7 ROXBURY, MA
SERVED ON (PRINT NAME)		MANNER OF SERVICE
CHRISTOP.	HER JAMISON (SON)	In-Hand
SERVED BY (PRINT NAME		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Sonice is true and correct

tained in the Proof of Service is true and correct.

AO 63 (11/91) Subpoena in a Civil Case

John Roberto

SIGNATURE OF SERVER

John Roberto

Process Server & Disinterested Person

Process Server & Disinterested Person

ADDRESS OF SERVER

92 State Street, 7th Floor Boston, Massachusetts 02109

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) falls to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

 (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or intornation not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the UNITED STATES DISTRICT COURT	
T in representation to the state of the sta	,
ONLIED STATES DISTRICT COOLER	· •
DISTRICT OF	
MASSACHUSETTS SUBPOENA IN A	CIVIL CASE
SHAWN DRUMGOLD SUBPOENA IN F	1 CIVILI CIALLE
V.	
TIMOTHY CALLAHAN, FRANCIS M. ROACHE, Case Number:	04-11193NG
PAUL MURPHY, RICHARD WALSH AND	
THE CITY OF BOSTON	
TO: KATHY JAMISON	•
44 REGENT STREET APT 7	
ROXBURY, MA 02119	date, and time specified below to
ROXBURY, MA 02119 YOU ARE COMMANDED to appear in the United States District court at the place,	•
testify in the above case.	COURTROOM
PLACE OF TESTIMONY	
	DATE AND TIME
	to tife at the taking of a deposition
YOU ARE COMMANDED to appear at the place, date, and time specified below to	icsury at the taking of a dopolitable
in the above case.	DATE AND TIME
BUNNER, KLERNAN, TREBACH & CROCLATA, LLP	JUNE 8, 2006
	10:00 A.M.
TO NOTE ARE COMMANDED to produce and permit inspection and copying of the for	nowing documents of objects at the
place, date, and time specified below (list documents or objects):	
SEE ATTACHED SCHEDULE "A"	
	DATE AND TIME
PLACE	
☐ YOU ARE COMMANDED to permit inspection of the following premises at the	date and time specified below.
TOTABLE COMMANDED to permit inspection of the following premises at the	date and time specified boton.
I IOO WE COMMUNICATE & Land Land	DATE AND TIME
PREMISES	
PREMISES	shall designate one or more officers.
PREMISES	shall designate one or more officers, set forth, for each person designated,
Any organization not a party to this suit that is subportated for the taking of a deposition s	shall designate one or more officers, set forth, for each person designated,
Any organization not a party to this suit that is subportated for the taking of a deposition s directors, or managing agents, or other persons who consent to testify on its behalf, and may the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).	
Any organization not a party to this suit that is subposensed for the taking of a deposition a directors, or managing agents, or other persons who consent to testify on its behalf, and may the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6). ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDA	
Any organization not a party to this suit that is subpossated for the taking of a deposition s directors, or managing agents, or other persons who consent to testify on its behalf, and may the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6). ISSUING OFFICER'S EIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT ATTORNEY FOR DEFENDANT RICHARD WALSH	
Any organization not a party to this suit that is subposenaed for the taking of a deposition a directors, or managing agents, or other persons who consent to testify on its behalf, and may the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6). TESTING OFFICER SEIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDA	ND DATE 5306



If action is pending in district other than district of issuance, state district under case mumber.

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD,
PLAINTIFF,
v.

C.A. NO. 04-11193NG

TIMOTHY CALLAHAN, FRANCIS M. ROACHE, PAUL MURPHY, RICHARD WALSH, AND THE CITY OF BOSTON, DEFENDANTS.

NOTICE OF TAKING DEPOSITION

TO: John P. Roache, Esq. Hogan, Roache & Malone 66 Long Wharf Boston, MA 02110

> Michael W. Reilly, Esq. Tommassino & Tommassino Two Center Plaza Boston, MA 02108-1904

William White, Esq.
Davis, Robinson & White, LLP
One Faneuil Hall Marketplace
South Market Building
Boston, MA 02109

MaryJo Harris, Esq. Morgan, Brown & Joy 200 State Street, 11th Floor Boston, MA 02109

Rosemary Curran Scapicchio, Esq. Four Longfellow Place, Suite 3703 Boston, MA 02114

Please take notice that at 10:00 A.M. on Thursday, June 8, 2006, at the law offices of Bonner Kiernan Trebach & Crociata, LLP, One Liberty Square, Boston, Massachusetts, the defendant, Richard Walsh, through his attorney, will take the deposition upon oral examination of Kathy Jamison, pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before a Notary Public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths.

The deponent is further required to bring the documents listed in the attached Schedule "A."

The oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

RICHARD WALSH,

By His Attorney,

Hugh R. Curran (BBO #402057) BONNER KIERNAN TREBACH & CROCIATA, LLP

One Liberty Square - 6th Floor Boston, MA 02109 (617) 426-3900

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the within document was served upon the attorney of record for each other party by mail, on May 3, 2006.

Hugh R. Curran

INSTRUCTIONS

The term "document(s)" in the requests below shall include every writing of any nature, including every manner of letter, memorandum, note, log book, notebook, contract, agreement, lease, study, report, record, notice, minutes of meetings, program, opinion, work pad, diary, legal opinion, message, telegram, advertisement, brochure, computer print-out, computer data bank or base, computer program, invoice, billing, list, correspondence, appraisal, or other item whether written in manuscript, typewritten, printed, electronic, magnetic, or other form of recordation of any kind, and including all copies thereof bearing any writing, figures, or notation not appearing in the original.

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- Any and all correspondence between Kathy Jamison and any media outlet regarding Shawn Drumgold.

Case 1:04-cv-11193-NG Document 58-14 Filed 11/20/2006 Page 40 of 43

US/1U/2UUD THU 10:01 FAA 101/00/1U/2 Dewshap and Associates

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05/05/2006

RETURN OF SERVICE

I this day summoned the within named KATHY JAMISON to appear as within directed by leaving at , to wit; No. 44 REGENT STREET, APT 7 in the SUFFOLK District of said ROXBURY an attested copy of the subpoena together with the \$0.00 fees for attendance and travel.

Service and Travel \$0.00

Pd Witness \$0.00
Total \$0.00

NOTES/COMMENTS: NOT SERVED PER ATTORNEY REQUEST.

John Roberto
Process Server & Disinterested Person

DB29403-JR

0000208727

%. AOSS (Rev. 1/94) Subpoens in a Civil Cast

Issued by the UNITED STATES DISTRICT COURT

HAWN DRUMGOLD MASSACHUSETTS	SUBPOENA IN	A CIVIL CASE
V.		
IMOTHY CALLAHAN, FRANCIS M. ROACHE, AUL MURPHY, RICHARD WALSH AND HE CITY OF BOSTON	Case Number.1	04-11193NG
CO: KATHY JAMISON 44 Regent Street, Apt. 7 Roxbury, MA 02119		
YOU ARE COMMANDED to appear in the United States D testify in the above case.	pistrict court at the place,	date, and time specified below to
LACE OF TESTIMONY		COURTROOM
		DATE AND TIME
YOU ARE COMMANDED to appear at the place, date, and in the above case.	time specified below to t	estify at the taking of a deposition
LACE OF DEPOSITION TREPACH & CROCKARA TER	•	DATE AND TIME
DIACE OF DEPOSITION UNNER, KIERNAN, TREBACH & CROCIATA, LLP NE LIBERTY SQUARE 6TH FLOOR, BOSTON MA 02109 YOU ARE COMMANDED to produce and permit inspection place, date, and time specified below (list documents or objective)	n and copying of the foll	9-15-06 10:00
NE LIBERTY SQUARE 6TH FLOOR, BOSTON MA 02109 YOU ARE COMMANDED to produce and permit inspection	n and copying of the foll	9-15-06 10:00
YOU ARE COMMANDED to produce and permit inspection place, date, and time specified below (list documents or objection).	n and copying of the foll	9-15-06 10:00
NE LIBERTY SQUARE 6TH FLOOR, BOSTON MA 02109 YOU ARE COMMANDED to produce and permit inspection place, date, and time specified below (list documents or objected).	n and copying of the foll ects):	9-15-06 10:00 owing documents or objects at the
NE LIBERTY SQUARE 6TH FLOOR, BOSTON MA 02109 YOU ARE COMMANDED to produce and permit inspection place, date, and time specified below (list documents or objection) PLACE YOU ARE COMMANDED to permit inspection of the following the second	n and copying of the foll ects):	9-15-06 10:00 owing documents or objects at the
NE LIBERTY SQUARE 6TH FLOOR, BOSTON MA 02109 YOU ARE COMMANDED to produce and permit inspection place, date, and time specified below (list documents or objection) PLACE YOU ARE COMMANDED to permit inspection of the followeremises Any organization not a party to this suit that is subposenced for the directors, or managing agents, or other persons who consent to testify the matters on which the person will testify. Federal Rules of Civil Presents of the consent to the person will testify.	n and copying of the follects): owing premises at the data taking of a deposition shalon its behalf, and may set	9-15-06 10:00 Owing documents or objects at the owing documents of the owing documents or objects at the owing documents of the owing documents or objects at the owing documents of the owing documents or objects at the owing documents or objects at the owing documents of the o
YOU ARE COMMANDED to produce and permit inspection place, date, and time specified below (list documents or objected). YOU ARE COMMANDED to permit inspection of the following place. YOU ARE COMMANDED to permit inspection of the following place. Any organization not a party to this suit that is subposenaed for the lirectors, or managing agents, or other persons who consent to testify	n and copying of the follects): owing premises at the data taking of a deposition shale on its behalf, and may set occdure, 30(b)(6). PLAINTIFF OR DEFENDANT)	9-15-06 10:00 Owing documents or objects at the owing documents of the owing documents or objects at the owing documents of the owing documents or objects at the owing documents of the owing documents or objects at the owing documents or objects at the owing documents of the o

Haction is pending in district other than district of issuance, state district under case number.



INSTRUCTIONS

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	······································	PROOF OF SERVICE		
SERVED	09/01/06	PLAGE • KATHY JAMISON 44 REGENT STREET, APT. 7 • ROXBURY, MA		
SERVED ON (PRINT NAME) CHRIS JAMISON (SON)		MANNER OF SERVICE In-Hand		
SERVED BY (PRINT NAME) John Roberto		Process Server & Disinterested Person		
	E	DECLARATION OF SERVER		
	eraice is time and collec	e laws of the United States of America that the foregoing information concit.		
Executed on09/0.	DATE	SIGNATURE OF SERVER		

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

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(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) falls to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

Process Server & Disinterested Person

(B) If a subpoena

John Roberto

92 State Street, 7th Floor Boston, Massachusetts 02109

ADDRESS OF SERVER

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of

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